

PRESIDENT HAS DECIDED TO DISREGARD TREATIES INSTRUCTIONS FROM CONGRESS

State Department Announces Chief Executive Will Not Annul Existing Treaties Between the United States and Foreign Countries by Which the United States is Prevented From Granting Special Import Tariffs and Transportation Rates on Imports Carried in American Bottoms—Wilson Had Not Consulted Any Foreign Governments Regarding the Matter.

Washington, Sept. 24.—Formal announcement was made today by the state department that President Wilson had decided not to carry out the instruction from congress to annul existing treaties between the United States and foreign countries by which the United States is prevented from granting special import tariffs and transportation rates on imports carried in American bottoms.

The announcement said the president had reached his decision before the expiration on Sept. 5 of the ninety day period in which the merchant marine act directed that he take steps to abrogate the treaties. It also was stated that the president had not consulted any foreign governments regarding the matter.

The statement given out by the state department followed:

"The department of state has been informed by the president that he does not deem the direction, contained in Section 24 of the so-called merchant marine act, an exercise of any constitutional power possessed by the congress.

"Under the provisions of the section referred to the president was directed within 90 days after the passage of the law, to notify the several governments, with whom the United States had entered into commercial treaties, that this country elected to terminate so much of said treaties as restricted the right of the United States to impose discriminating customs duties on imports and discriminatory tonnage dues, according as the carrier vessels were domestic or foreign, quite regardless of the fact that these restrictions are mutual, operating equally upon the other governments which are parties to the treaties and quite regardless of the fact that the treaties contain no provisions for their termination in the manner contemplated by congress.

"The president, therefore, considers it inadvisable to speak of the termination of the restrictive clauses of such treaties. The action sought to be imposed upon the executive would amount to nothing less than the breach or violation of said treaties, which are of a number and cover every point of contact and mutual dependence which constitute the modern relations between friendly states. Such a course would be wholly incompatible with the historical respect which the United States

has shown for its international engagements and would falsify every profession of our belief in the binding force and the reciprocal obligation of treaties in general.

Secretary Coby, commenting on the point made by the president, that congress had exceeded its powers called attention to the veto by President Hayes of an act passed by congress in 1879, which gave the president the right to terminate treaties of the abrogation of Articles 5 and 6 of the Burlingame treaty.

"President Hayes declared that the power of making new treaties or of modifying existing treaties was lodged by the constitution in congress, but in the president, by and with the advice and consent of the senate, as shown by the concurrence of two-thirds of that body. He said that the effect of an attempted partial abrogation of a treaty, as contemplated by the recent act, the words of President Hayes are significant. Said he:

"As the power of modifying an existing treaty, whether by adding or striking out provisions, is a part of the treaty making power under the constitution, it is not competent for congress, nor would the assent of China to this partial abrogation of the treaty make the action of congress in thus procuring an amendment of a treaty, a complete exercise of authority under the constitution. The importance, however, of this special consideration seems superseded by the principle that a denunciation of a part of a treaty, not making by the terms of the treaty itself separable from the rest, is a denunciation of the whole treaty. As the other high contracting party has entered into no treaty obligations except such as in the treaty itself are denunciated, the denunciation by one party of the part necessarily liberates the other party from the whole treaty."

"The merchant marine act was approved June 15, 1917, and the termination of the restrictive clauses of such treaties, much less severe its revision in any particular. To have vetoed the act would have sacrificed the great number of treaties which apply to commerce and navigation, the fact that one section of the law involves elements of illegality rendering the whole law inoperative, need not affect the validity and operation of the act as a whole."

"For the first six months of this year, the express companies lost approximately \$21,000,000, according to their report to the commission, which showed revenues of \$15,681,000 and operating expenses of \$13,782,000. During the first half of 1919, the companies reported revenues of \$12,768,000 and operating expenses of \$14,702,000. The percentage ratio of expenses to earnings for the comparative periods of the two years increased from 109 to 113 per cent, approximately, the report said.

"With the very substantial increases in the express rates, shippers have a right to demand an improved and steadily improving service. On our part, while at all times ready to accord to a common carrier that relief to which it may be justly entitled, we shall not view with complacency anything other than a painstaking and unremitting effort to reduce the item of loss and damage to the lowest possible figure."

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BRIEF TELEGRAMS

Five housing bills passed in the New York senate were signed by Governor Smith.

Nine deaths from yellow fever were reported at Vera Cruz, Mexico. Eleven new cases were reported.

Bar gold was quoted at 11 1/2 an ounce, unchanged, in London.

Two bandits held up a mail truck at South Bend, Ind., and escaped with mail valued at from \$5,000 to \$25,000.

Judge Elmore S. Banks of Fairfield was nominated for senator from the 25th district at the republican held in Stratford.

According to the reparation committee, Germany has surrendered 1,944,565 tons of steamers and sailing vessels to the allies.

Provisional President de la Huerta, of Mexico, is suffering from an attack of appendicitis and an operation was decided upon.

Brooklyn Rapid Transit Co., announced that the strike has been broken; more than 5,000 regular carmen have returned to work.

It was said at the White House Presidential campaign when "the proper time comes."

Mrs. Adelaide B. Clapp, 92 years of age, the oldest woman in Bethel, Conn., was initiated a member of the Order of the Eastern Star.

With an entering class which will be as large if not larger than any which had preceded it Wesleyan University began the year Thursday.

General Wrangel declared that his forces had routed the Eighty-sixth Division of the soviet forces operating in the Crimean region.

At a meeting of the Gergian cabinet a bill for which socialization of mines throughout Germany might be carried out was decided upon.

Frederick C. Shann, editor and owner of the Orange Advertiser, died at his home, in Orange, N. J., following an acute attack of indigestion.

The Uruguay Socialist Congress in session at Montevideo decided by an immense majority to adhere to the third international at Moscow.

Several persons were killed and many injured when six coaches of the Orient express were derailed between Agron and Belgrade, Jugoslavia.

The state motor vehicle department is undertaking to stop the increasing practice of non-resident vehicle owners of ignoring the headlight law.

A bill introduced in the Legislature by Senator Toomey, of Brooklyn, to permit New York city to operate bus lines was objected to by Senator Walters.

Bar silver in London was 59 7/64 an ounce. New York domestic price unchanged at 99 1/2 cents and foreign silver also unchanged at 94 cents.

A moving picture film depicting Russian scenes and events in Russia in connection with the soviet administration has been seized by the authorities in London.

Fire of undetermined origin at the plant of the Cedar Brook Distilling Co., Lawrence, Ky., destroyed four warehouses containing 1,000 barrels of whiskey.

Salvatore Santanelli of New York, charged with transporting whiskey through Greenwich, was held by United States Commissioner H. J. Lavery under bonds of \$500.

In a letter made public at Indianapolis Thomas Taggart, of French Lick, Ind., democratic candidate for United States senator, believes prohibition law should be continued.

The executive offices at the state capital were guarded as a precautionary measure following the receipt of a letter in which the life of Governor Holcomb was threatened.

Brigadier General Charles G. Treat, who was in command of the 8th Hawaiian division, will leave for San Francisco en route to the Philippine Islands, where he will take charge.

Corn sold below the 81 mark on the Chicago Board of Trade for the first time since 1917. The drop was caused by continued fair weather and other favorable crop conditions.

An unexploded shell with fuse attached was found on the sidewalk in front of the Hotel Lutetia, Paris, by the police just after the arrival of Mme. Deschanel, wife of the former French president.

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Mr. Keeney added that "before this drastic action is taken, however, the associations of coal miners in northern and southern West Virginia will be requested to use their influence to have federal soldiers removed from the state in order that tranquility may prevail."

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The speech was made to a gathering of West Virginians who cheered the candidate's thrusts at democratic rule and his pledges of reform. The delegation came overland in a motor party, which included more than three hundred automobiles.

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The employers claim the loss of business in New York is more severe than in any other clothing center and that wages are fifty per cent, higher here. They ask for a return to the piece work system, and to install improved machinery to reduce labor cost.

Denial that there is a fifty per cent. wage advance here over other cities was made by members of the union, who predicted a fight against the piece work clause.

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